

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT S. MILLER,
Plaintiff

VS.

MICHAEL J. ASTRUE,
Commissioner of Social Security,
Defendant

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CIVIL ACTION

NO. 08-4838

FILED

JUN 17 2009

RECEIVED
By _____

ORDER

BERLE M. SCHILLER, J.

AND NOW, this 22 day of May, 2009, upon consideration of the plaintiff's request for review, and defendant's response to request for review, and after careful review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's Request for Review is GRANTED IN PART and DENIED IN PART;
3. The case is REMANDED in accordance with the fourth sentence of 42 U.S.C. Section 405(g) to the Commissioner of the Social Security Administration for proceedings consistent with the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa.

It is so ORDERED
BY THE COURT:

BERLE M. SCHILLER, J.